IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.964 OF 2003

Phoenix Alchemy Private Limited
& Ors. .. Petitioners

Vs.

The State of Maharashtra & Anr. .. Respondents

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None for the Petitioners.

Shri B.H.Mehta, APP for the Respondents.

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CORAM : R.M.S.KHANDEPARKAR, J

DATED : 24th JANUARY, 2005.

P.C.

1. None present for the Petitioners. The learned APP present for the Respondents.

2. The Petitioners challenge the process issued against them in a proceeding under Section 138 of the Negotiable Instruments Act. The perusal of the complaint filed by the Respondent No.2 in the trial Court discloses that a cheque for sum of Rs.13,08,480/- was issued by the Accused No.1, the Petitioner No.1 herein, consequent to the supply of

the materials by the complainant. The materials stated to have been supplied on 9th December, 2000 and the cheque was issued on 31st January, 2001. The complaint further discloses that the cheque was returned dishonoured and consequent thereto, a required notice was served upon the Accused-Petitioner No.1 as the Petitioners failed to discharge their obligation in relation to the said cheque. Apparently, a prima facie case being made out, there is no case for interference in the impugned order of issuance of process, in exercise of writ jursdiction under Article 227 of the Constitution of India and hence the Petition is rejected.